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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,246	11/12/2003	Andre Yu	JCLA11988	9473
23900	7590	12/14/2004	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,246	<b>Applicant(s)</b> YU ET AL.	
	<b>Examiner</b> Thuy V. Tran	<b>Art Unit</b> 2821	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a response to the Applicants' filing on 11/12/2003. In virtue of this filing, claims 1-6 are currently presented in the instant application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Inventorship***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Drawings***

3. The drawings submitted on 11/12/2003 are accepted.

#### ***Claim Objections/ Minor Informality***

4. Claim 2 is objected to because of the following informalities:

Line 6, "said" (third occurrence) should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al. (Pub. No.: 2003/0151601 A1).

With respect to claim 1, Chung et al. discloses, in Figs. 6-11, a low visual noise, jitterized pulse width modulation brightness control circuit, for adjusting a brightness of a fluorescent lamp [6] in a liquid crystal display [12] comprising (1) a brightness control signal generating unit [8] (see Fig. 6) for receiving a brightness adjusting signal (from controller [10]; see ¶ [0109], lines 4-7) and generating a brightness control signal in response to said brightness adjusting signal, wherein said brightness control signal has an operational period varying in a predetermined range (see ¶ [0112], lines 4-5); and (2) an inverter [4] coupled to said brightness control signal generating unit [8] (see Fig. 6) for driving said fluorescent lamp [6] in response to said brightness control signal.

With respect to claim 4, Chung et al. discloses, in Figs. 6-11, a low visual noise, jitterized pulse width modulation brightness control circuit, for adjusting a brightness of a fluorescent lamp [6] in a liquid crystal display [12] comprising (1) a brightness control signal

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generating unit [8] (see Fig. 6) for receiving a brightness adjusting signal (from controller [10]; see ¶ [0109], lines 4-7) and generating a brightness control signal in response to said brightness adjusting signal, wherein said brightness control signal has an operational frequency varying in a predetermined range (see ¶ [0036], lines 1-4; ¶ [0109], lines 1-7); and (2) an inverter [4] coupled to said brightness control signal generating unit [8] (see Fig. 6) for driving said fluorescent lamp [6] in response to said brightness control signal.

With respect to claim 5, Fig. 6 of Chung et al. appears to show that the brightness control signal-generating unit [8] is a microprocessor.

With respect to claim 6, Chung et al. discloses, in Figs. 6-11, that the brightness control signal has a phase varying in a predetermined range (based on inter-relationship between duty cycle, frequency, and phase; see Figs. 7-11; ¶¶ [0152 (lines 3-7), 0153 (lines 4-8)]).

***Allowable Subject Matter***

7. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest a low visual noise, jitterized pulse width modulation brightness control circuit wherein said brightness control signal generating unit comprises (1) a noise generator generating a noise, (2) an analog adder, coupled to said noise generator, receiving and adding said brightness adjusting signal and said noise, and (3) a comparator, couple to said analog adder, comparing said added brightness adjusting signal and said noise and a triangle wave to generate said brightness control signal, in combination with the

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remaining claimed limitations as called for in claim 2 (claim 3 would be allowable since it is dependent on claim 2).

***Citation of relevant prior art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Lin (Pub. No.: US 204/0155853 A1) discloses an inverter controller for an LCD display device.

Prior art Oh (Pub. No.: US 204/0061708 A1) discloses an apparatus and method for controlling brightness level of an LCD display device.

Prior art Moon et al. (U.S. Patent No. 6,762,742) discloses an apparatus and method for brightness control of an LCD display device.

Prior art Weindorf (U.S. Patent No. 6,396,217) discloses an apparatus and method for brightness control of an LCD display device.

Prior art Ichise (U.S. Patent No. 5,786,801) discloses a backlight control apparatus and control method.

Prior art Mitchell et al. (U.S. Patent No. 5,272,327) discloses an apparatus and method for brightness control of an LCD display device.

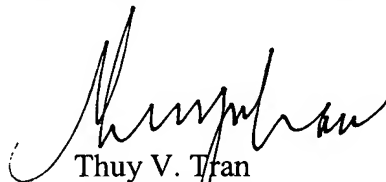
***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thuy V. Tran  
Primary Examiner  
Art Unit 2821

12/12/2004